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WILLIAM L. ROYALL.

To comparatively few of us is it given to achieve success in even one line of effort—to still fewer, distinction. As soldier, lawyer, editor, and publicist, however, it is not the language of fulsome eulogy but of simple truth, to say that the subject of these resolutions was recognized by all capable of pronouncing a discriminating judgment as worthy the insignia of high rank—a man firm of purpose, of inexhaustible energy, tenacious of the right, fearful of one thing only—that by some process of oversight or misconstruction he had been unjust.

This is not the time nor the occasion for the biography of such a man. He was too many-sided. The subject tempts to detail of reminiscence and comment, but, as a body of lawyers, we must today content ourselves with a review of certain notable features of a life full of the peculiar interest attaching to conflict and attainment.

William Lawrence Royall was born November 15, 1844, at his father's place, Mount Ephraim, Fauquier County, Virginia, the son of Rev. John Royall and Ann Keith Taylor Royall. He was a grand-nephew of Chief Justice Marshall and, we cannot doubt, grew to manhood not in the shadow but under the inspiration of that great name.

We note that from the beginning his life was one of struggle and successful struggle against great difficulties. These commenced with his education. To us of this day to whom the State presents a high school education, even a college course being open to one who will combine self-denial with outside work, it seems little less than wonderful that a man who attained distinction in letters, law and civics could in late life truthfully write of himself "To this day I have never seen the inside of a school-house." He must have received his primary education in that best of schools, the home of educated parents conscious of the great need of their children and determined to send them forth into life, perhaps without an academic degree, but fully equipped for the contest.

At the age of seventeen, Mr. Royall heard the voice of his mother State, calling him to her service. He heard it and as he

heard it again in other years, calling him to other service, he obeyed—not grudgingly or reluctantly, but with all the ardor of youth, convinced of the justice of the cause and burning with a desire to aid it. He became a member of Company A, Ninth Virginia Cavalry, commanded by Colonel, later General, Wm. H. F. Lee. He was in the Seven Days' battle around Richmond, Second Manassas, Sharpsburg or Antietam, Fredericksburg, Chancellorsville, and also in a hundred cavalry battles, many of which he says would have been called "great battles" in the Cuban War. Later he was detailed as a scout and rendered valuable service in that most dangerous employ. In March, 1864, he was wounded and taken prisoner, narrowly escaping sentence of death by drum-head court-martial. He was confined in Old Capitol Prison at Washington and later at Fort Delaware, where he underwent terrible hardships.

In June, 1865, he returned to his home in Fauquier County, where he remained until January 1, 1868, when he came to Richmond, and entered the office of William Green, an association of which he always and naturally spoke with pride. In January, 1869, he was admitted to the bar and at once became a factor in the professional, social and political life of Richmond and of Virginia. In 1873, General Bradley T. Johnson offered him a law partnership which he accepted. No one can read the Virginia State reports of that period without being impressed with the number and variety of the cases argued in the Supreme Court of Appeals by Mr. Royall, both before, during and after his partnership with General Johnson. It was often the custom of the reporters in those days to mention counsel by their surnames only. But there need be no confusion even today when we read the names of "Lyons," "Macfarland," "Crump," or "Royall" for all knew and still know who was meant.

In the year 1873, Mr. Royall published his Virginia Digest—which as the name implies, was not original in its nature but gives evidence of abundant labor and which must have been as great a boon to the bench and bar of that day as the more scientific and elaborate compendiums of the same kind are to us.

It is impossible within the proper limits of a paper like the present to even mention by name the more celebrated cases in

which he appeared. We pass on to the great legal achievement of his career.

As a citizen of Virginia, during the seventies, he became imbued with an intense desire to see the State recognize every dollar of the principal of her bonded indebtedness and continue to pay the stipulated rate of interest thereon. To this end he founded in Richmond early in 1880, the *Commonwealth*—a newspaper in which he advocated his views with great vigor, but finding its publication, as he says, “a very expensive luxury,” he went to New York in September of the same year and began the practice of law.

After the election of 1881, when what was known as the Readjuster Party was in complete possession of every department of the State government, Mr. Royall was employed by a committee of English bondholders to enforce the receivability of the coupons for taxes upon the proposition that they were so declared to be upon their face and that any act of the State legislature forbidding their receipt was an impairment of the obligation of her contract and was, therefore, void.

From *Antoni v. Greenhow*, 22 Grattan, decided in 1872, and in which Mr. Royall was of counsel, to *Maury v. Virginia*, U. S., the question was presented to the courts in literally hundreds of cases. Of course, only the cases involving the leading principles reached the Supreme Court of the United States, but even these were so numerous that that tribunal, whose docket was three years in arrears, grew very weary of the “Virginia Coupon Cases.” But in the midst of every important conflict was Mr. Royall. He had powerful opposition—a legislature which was ready to pass any measure which astute counsel would advise as calculated to destroy the coupons—an executive who was certain to approve such measures. To crown all, as the fight went on, a fierce public opinion was aroused which infected the last stronghold of justice, the jury-box, and made it difficult, if not impossible, to obtain a verdict upon an instrument as to whose genuineness and legal validity no man had any reasonable doubt.

Yet through it all, for eight years, Mr. Royall fought, sometimes as in *Poindexter v. Greenhow*, 114 U. S., brilliantly successful—sometimes, as in *Ex parte Ayers*, 123 U. S. R., signally

defeated. The profoundest questions of constitutional law were presented—the courts were confronted with the tremendous consequences which might attach to their rulings—were warned by one side and implored by the other to adhere to establish precedent until the battle attracted the attention of the bar of the two English-speaking countries.

Through it all, again Mr. Royall proved himself a general worthy of the name of infinite resourcefulness—wonderful ability to recover after defeat or to press on to reap the fruits of victory, going to jail, to be released later upon *habeas corpus*—putting the State to enormous expense for costs and counsel fees and forcing her to accept coupons to the extent of scores of thousands of dollars until all saw that peace was better for the State and better for the creditors. After a while a way was found by which it was affected. To use Mr. Royall's own words, "The decision in the Ayers case" (since overruled, though, of course, not confessedly, in *Ex parte Young*, U. S.) "killed my case * * * and I told my clients that they must settle at once. The State did not realize how badly I was hurt and she had been so badly clubbed that she was in a very good humor for a settlement. A new settlement was made, which gave my clients a great increase upon what the State had been offering them and this enormous controversy came to an end."

Notwithstanding the intensity of the feeling engendered by this controversy between the State of Virginia and her creditors Mr. Royall retained the affection of his friends and the respect of all who knew him.

Mr. Royall then took up the active practice of his profession but about 1896 entered again the field of journalism, becoming the chief editorial writer upon the *Richmond Times*, in the columns of which he gave daily and vigorous battle in the defense of the gold standard. After a time, he returned to the practice of the law and remained an active member of our profession until his death.

In this last period of his practice, he was employed most actively and in a variety of cases. Among his notable achievements was the securing of one of the largest verdicts which has ever been rendered in the courts of this State in an action *ex*

delicto—a verdict for \$30,000 which was, however, later set aside by the trial court because, as the lamented judge declared with characteristic honesty, of his own error in the admission of certain testimony.

Mr. Royall feared no foe and no odds. Indeed, he rather seemed to prefer the cause of the weak and threw into its establishment all the enthusiasm with which an attacking force assails an enemy strongly entrenched. He was an inexhaustible reader of cases and assimilated quickly what he read, retaining the wheat and throwing aside the chaff.

While his temperament and methods of thought were those of the advocate rather than the judge, it cannot be doubted that had he sought and obtained judicial preferment, his first thought would have been to seek the essence of the cause in hand and to make technicality bend to that view which, to use the expression of a great Virginia judge, "standeth with the right." He never sought office of any kind, however, but contented himself with the greater office of a champion of the rights of others.

As a citizen he was watchful against the invasion of wrong practices in municipal and State life, and did not hesitate to voice his protest, trumpet-tongued, through the press and on the hustings, sometimes occupied only by himself, against what he believed to be unrighteousness.

And thus, after a life of intense and varied activity, he reached nearly to the allotted period of man's existence, dying on the 24th day of August, 1912, in the sixty-ninth year of his age at Avon-by-the-Sea, the summer home of his daughter, Mrs. Hamill.

It was indeed a notable life—a life from which valuable lessons may be drawn. We have time for but one of these—and that the old, yet ever new message of inspiration and encouragement—the message to every man standing on the threshold of professional life that despite the heaviest handicaps, success awaits the use of right methods—the message, in a word, of faithfulness to a cause once espoused—of loyalty to a friend with whom he had once struck hands. Faithful from the first in that which is least, he proved faithful also in much.

He was an intrepid man—not only by that perhaps lower standard which we call physical courage, but by those more difficult

of attainment. He feared not place nor power nor ridicule nor majorities nor mobs, but with his eye fixed upon his goal, he pressed forward. Who shall say that he did not attain it?

He fought a good fight—the fight of the youth against a narrow and unpropitious environment from which he emerged full-armed for the greater battles which were to follow—the fight of the young man, confronted with new and confused social and political conditions, to the solution of which he devoted his clear brain and stout heart—the fight of the mature man almost single handed, in behalf of a foreign clientage against a sovereign State with its tremendous powers of self-defense—preserving through it all the integrity—the wholeness—of life and purpose which doubled the effect of every effort.

Unafraid in death as in life, he has left us—physically weary and infirm towards the end, yet able to look back upon a thousand battle-fields with the consciousness that he had never struck an intentionally unfair blow and that his place in the esteem of the members of his profession—after all the most competent critics of a lawyer's life and methods—was secure.

Be it resolved, therefore, by the Bar of the city of Richmond that in the death of William L. Royall, we have lost a member whose principles were high, whose ability was of the first order, who was faithful to duty and fearless in its discharge, and whose devotion to the interests of his country, State and city was intense, unusual and unalloyed with self-seeking.

Resolved, further, that copies of these resolutions be sent to the family of Mr. Royall, and to the courts, State and Federal, holding their sessions in this city; with the request that they be spread upon their records.

I hereby certify that the foregoing is a true copy of the preamble and resolutions adopted at a meeting of the Bar of the city of Richmond upon the death of Mr. Wm. L. Royall, held on the 17th of October, 1912.

R. W. CARRINGTON,

Secretary.